

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: SUBPOENA ISSUED IN:

St. Clair County Employees' Retirement System v. Acadia Healthcare Company, Inc. et al., pending in the United States District for the Middle District of Tennessee, Case No. 3:18-cv-00988-WLC-AEN

Misc. No. 1:22-mc-00144-PKC

DAVID FABER

Petitioner,

v.

CHICAGO VICINITY LABORERS DISTRICT COUNCIL PENSION FUND and NEW YORK HOTEL TRADES COUNCIL & HOTEL ASSOCIATION OF NEW YORK CITY, INC. PENSION FUND,

Respondents.

NOTICE OF VOLUNTARY DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Petitioner David Faber in the above-referenced action hereby gives notice that the above-captioned petition is voluntarily dismissed, without prejudice, against Respondents Chicago Vicinity Laborers District Council Pension Fund and New York Hotel Trades Council & Hotel Association of New York City, Inc. Pension Fund.

Respondents issued a subpoena (“Subpoena”) to Petitioner commanding remote testimony in connection with the underlying case *St. Clair County Employees' Retirement System v. Acadia Healthcare Co. et al.*, No. 3:18-cv-00988-WLC-AEN (M.D. Tenn.), which prompted Petitioner’s Motion to Quash and the initiation of this miscellaneous proceeding (ECF 1). Counsel for Petitioner and Respondents have further met and conferred on the issue after this

proceeding was filed, and counsel for Respondents has agreed to withdraw the Subpoena to Petitioner without prejudice, thereby rendering the instant Motion to Quash moot.

Accordingly, Petitioner hereby gives notice that the above-captioned petition is voluntarily dismissed, without prejudice, against Respondents, with all parties to bear their own fees and costs.

Dated: June 3, 2022
New York, New York

Respectfully submitted,

/s/ Elizabeth A. McNamara
Elizabeth A. McNamara
Meenakshi Krishnan (admitted *pro hac vice*)
DAVIS WRIGHT TREMAINE LLP
1251 Avenue of the Americas, 21st Floor
New York, New York 10020
Telephone: (212) 603-6437
lizmcnamara@dwt.com
meenakshikrishnan@dwt.com

Daniel M. Kummer
Senior Vice President, Litigation
NBCUNIVERSAL MEDIA, LLC
30 Rockefeller Plaza, Rm. 620-537
New York, New York 10112
Telephone: (212) 664-4017
daniel.kummer@nbcuni.com

Attorneys for Petitioner David Faber

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2022, I electronically filed the foregoing Notice of Voluntary Dismissal, with the Clerk of the Court using CM/ECF. I also certify that the foregoing Notice is being served this day on all counsel of record for Respondents identified on the attached Service List via email.

By: /s/ *Elizabeth A. McNamara*
Elizabeth A. McNamara

SERVICE LIST

ROBBINS GELLER RUDMAN & DOWD LLP

Christopher M. Wood

Jerry E. Martin

414 Union Street, Suite 900

Nashville, TN 37219

Telephone: 615/244-2203 615/252-3798 (fax)

cwood@rgrdlaw.com

jmartin@rgrdlaw.com

Darren J. Robbins

Darryl J. Alvarado

J. Marco Janoski Gray

Ting H. Liu

T. Alex B. Folkerth

655 West Broadway, Suite 1900

San Diego, CA 92101

Telephone: 619/231-1058 619/231-7423 (fax)

darrenr@rgrdlaw.com

dalvarado@rgrdlaw.com

mjanoski@rgrdlaw.com

tliu@rgrdlaw.com

afolkerth@rgrdlaw.com

*Lead Counsel for Plaintiffs Chicago & Vicinity Laborers' District Council Pension Fund and
New York Hotel Trades Council & Hotel Association of New York City, Inc. Pension Fund*

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

Justin J. Lannoye

8 South Michigan Avenue, 19th Floor

Chicago, IL 60603

Telephone: 312/372-1361 312/372-6599 (fax)

jlannoye@laboradvocates.com

Counsel for Chicago & Vicinity Laborers' District Council Pension Fund

PITTA LLP

Michael Bauman

120 Broadway, 28th Floor

New York, NY 10271

Telephone: 212/652-3890 212/652-3891 (fax)

mbauman@pittalaw.com

*Counsel for New York Hotel Trades Council & Hotel Association of New York City, Inc. Pension
Fund*